

Message Text

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PAGE 01 USUN N 04739 032248Z

12

ACTION L-03

INFO OCT-01 IO-10 ISO-00 AF-06 ARA-10 EA-09 EUR-12 NEA-10

CIAE-00 DODE-00 PM-04 H-02 INR-07 NSAE-00 NSC-05

PA-02 PRS-01 SP-02 SS-15 USIA-15 OIC-02 /116 W

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TO SECSTATE WASHDC 2564

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UNCLAS USUN 4739

E.O. 11652: N/A

TAGS: UN, PFOR, ILC

SUBJECT: UNGA LEGAL COMITE: SUCCESSION OF STATES IN RESPECT
OF TREATIES

SUMMARY. AT OCT 3 MEETING DEBATE CONTINUED ON SUBJECT ITEM
WITH INTERVENTIONS BY SPAIN, BOLIVIA, ECUADOR, PARAGUAY AND
ROMANIA. END SUMMARY.

1. SPANISH DEL EXPRESSED PURELY PROCEDURAL VIEWS ON ILC
TEXT ON SUBJECT ITEM. HE CONSIDERED ILC DOCUMENT REPRESENTED
A FINAL TEXT PREPARED IN CONFORMITY WITH ILC PRACTICE; AND
THOUGH CERTAIN UNRESOLVED ISSUES REMAINED, IT WOULD BE
UNWISE TO RETURN TEXT TO ILC FOR FURTHER CONSIDERATION. HE
SUGGESTED ILC CONCLUDE ITS WORK ON SUCCESSION
OF STATES IN RESPECT OF MATTERS OTHER THAN TREATIES BEFORE
A DIPLOMATIC CONFERENCE IS CONVENED TO ELABORATE ILC TEXT
ON SUCCESSION OF STATES IN RESPECT OF TREATIES. HE ALSO
SUGGESTED THE JURIDICAL FORM OF FINAL TEXT BE LEFT TO THE
DIPLOMATIC CONFERENCE TO DECIDE.

2. BOLIVIA, ECUADOR AND PARAGUAY DELS ALL PRAISED WORK
OF ILC AND FOUND THE CLEAN SLATE APPROACH IN THE DRAFT
ARTICLES TO BE CONSISTENT WITH EXERCISE OF SELF-DETERMINATION
BY SUCCESSOR STATES. BOLIVIA AND PARAGUAY (A) DID THINK
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PAGE 02 USUN N 04739 032248Z

HOWEVER THAT THE CLEAN SLATE PRINCIPLE SHOULD NOT ALWAYS

BE APPLICABLE -- I.E. WHERE CUSTOMARY INTERNATIONAL NORMS WERE FOUND IN INTERNATIONAL CONVENTIONS; AND (B) URGED THE INCLUSION IN THE TEXT OF PROVISIONS ON THE PEACEFUL SETTLEMENT OF DISPUTES.

3. ROMANIAN DEL WAS CRITICAL OF ILC TEXT. NOTABLY, HE FOUND ARTICLE 12 (TERRITORIAL REGIMES) WOULD CAUSE SUCCESSOR STATE TO ACCEPT SERVITUDE PLACED ON IT BY PREDECESSOR OR METROPOLITAN STATE; AND HE CONSIDERED THERE WAS NOT A SUFFICIENT "LINK" BETWEEN A PREDECESSOR STATE AND A SUCCESSOR'S TREATIES TO JUSTIFY ARTICLE 18 (PARTICIPATION IN TREATIES SIGNED BY THE PREDECESSOR STATE...).

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